

Objection Deadline: September 30, 2019 at 4:00 p.m. (Prevailing Eastern Time)

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

**TRIDENT HOLDING COMPANY, LLC, et
al.,**

Debtors.¹

Chapter 11

Case No. 19-10384 (SHL)

(Jointly Administered)

**TENTH OMNIBUS NOTICE OF REJECTION OF
CERTAIN EXECUTORY CONTRACTS AND/OR UNEXPIRED LEASES**

PLEASE TAKE NOTICE that, on March 8, 2019, the United States Bankruptcy Court for the Southern District of New York (the “Court”) entered the order

¹ The Debtors in these chapter 11 cases, along with the last four digits of their respective tax identification numbers, are as follows: Trident Holding Company, LLC (6396); American Diagnostics Services, Inc. (2771); Community Mobile Diagnostics, LLC (9341); Community Mobile Ultrasound, LLC (3818); Diagnostic Labs Holdings, LLC (8024); FC Pioneer Holding Company, LLC (6683); JLMD Manager, LLC (8470); Kan-Di-Ki LLC (6100); Main Street Clinical Laboratory, Inc. (0907); MDX-MDL Holdings, LLC (2605); MetroStat Clinical Laboratory – Austin, Inc. (4366); MX Holdings, LLC (8869); MX USA, LLC (4885); New Trident Holdcorp, Inc. (4913); Rely Radiology Holdings, LLC (3284); Schryver Medical Sales and Marketing, LLC (9620); Symphony Diagnostic Services No. 1, LLC (8980); Trident Clinical Services Holdings, Inc. (6262); Trident Clinical Services Holdings, LLC (1255); TridentUSA Foot Care Services LLC (3787); TridentUSA Mobile Clinical Services, LLC (0334); TridentUSA Mobile Infusion Services, LLC (5173); U.S. Lab & Radiology, Inc. (4988). The address of the Debtors’ corporate headquarters is 930 Ridgebrook Road, 3rd Floor, Sparks, MD 21152.

[Docket No. 171] (the “**Order**”) granting the motion (the “**Motion**”)² of the Debtors for an order, pursuant to Bankruptcy Code sections 105, 365, and 554, Bankruptcy Rules 6006 and 9014, and Local Bankruptcy Rule 6006-1, authorizing and approving, among other things, expedited procedures for the Debtors to reject executory contracts (collectively, the “**Contracts**”) and unexpired leases (collectively, the “**Leases**”).

PLEASE TAKE FURTHER NOTICE that, pursuant to the terms of the Order and by this written notice (this “**Rejection Notice**”), the Debtors hereby notify you that they have determined, in the exercise of their business judgment, that each Contract and / or Lease set forth on **Schedule A** attached hereto is hereby rejected effective as of the date (the “**Rejection Date**”) set forth in **Schedule A**, or such other date as the Debtors and the counterparty or counterparties to such Contract(s) and / or Lease(s) agree.

PLEASE TAKE FURTHER NOTICE that, parties seeking to object to the Debtors’ rejection of any Contract and / or Lease listed on **Schedule A** must file and serve a written objection, so that such objection is filed with the Court and is *actually received* no later than ten calendar days after the date that the Debtors served this Rejection Notice, upon the following parties: (i) the Debtors, 930 Ridgebrook Road, 3rd Floor, Sparks, MD 21152, Attn: David F. Smith, III (david.smith@tridentusahealth.com); (ii) counsel to the Debtors, Skadden, Arps, Slate, Meagher & Flom LLP, 155 North Wacker Drive, Suite 2700 Chicago, IL 60606, Attn: James J. Mazza, Jr. and Justin M. Winerman (james.mazza@skadden.com and justin.winerman@skadden.com), and 4 Times Square, 26th Floor, New York, NY, 10036, Attn: Paul D. Leake and Jason N.

² Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

Kestecher (paul.leake@skadden.com and jason.kestecher@skadden.com); (iii) co-counsel for the Debtors, Togut, Segal & Segal LLP, One Penn Plaza, Suite 3335, New York, NY 10119, Attn: Frank A. Oswald and Kyle J. Ortiz (frankoswald@teamtogut.com and kortiz@teamtogut.com); (iv) the Office of the United States Trustee, U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, NY 10014, Attn: Shannon Scott and Brian S. Masumoto (shannon.scott2@usdoj.gov and brian.masumoto@usdoj.gov); (v) counsel to the administrative agent under the Debtors' Priority First Lien Facility and proposed DIP Facility, Paul, Weiss, Rifkind, Wharton & Garrison LLP, 1285 6th Ave, New York, NY 10019, Attn: Alan W. Kornberg, Robert Britton, Alexander Woolverton, and Grace C. Hotz (akornberg@paulweiss.com, rbritton@paulweiss.com, awoolverton@paulweiss.com, and ghotz@paulweiss.com); (vi) counsel to the official committee of unsecured creditors appointed in these Chapter 11 Cases, Kilpatrick Townsend & Stockton LLP, 1114 Avenue of the Americas, New York, NY 10036-7703, Attn: David M. Posner, Gianfranco Finizio, and Kelly Moynihan (dposner@kilpatricktownsend.com, gfinizio@kilpatricktownsend.com, and kmoynihan@kilpatricktownsend.com); and (vii) to the extent not listed herein, any such other party entitled to notice pursuant to Local Bankruptcy Rule 9013-1(b).

PLEASE TAKE FURTHER NOTICE that, absent an objection being timely filed, the rejection of any Contract and/or Lease listed on **Schedule A** shall become effective on the Rejection Date set forth in **Schedule A** without further notice, hearing, or order of this Court, unless (i) the Debtors withdraw such Rejection Notice on

or prior to the Rejection Date or (ii) the Debtors and the pertinent counterparty or counterparties agree, prior to the Rejection Date, upon another such date.³

PLEASE TAKE FURTHER NOTICE that, if a timely objection to the rejection of any Contract and/or Lease listed on **Schedule A** is timely filed and not withdrawn or resolved, the Debtors shall file a notice of hearing to consider the unresolved objection. If such objection is overruled or withdrawn, such Contract(s) and/or Lease(s) shall be rejected as of the Rejection Date set forth in **Schedule A** or such other date as the Debtors and the counterparty or counterparties to such Contract(s) and/or Lease(s) agree.

PLEASE TAKE FURTHER NOTICE that, any objection may be resolved without a hearing by an order of the Court submitted on a consensual basis by the Debtors and the objecting party.

PLEASE TAKE FURTHER NOTICE that, pursuant to the terms of the Order, if the Debtors have deposited funds with a Contract and/or Lease counterparty as a security deposit or other arrangement, the Contract and/or Lease counterparty may not set off or recoup or otherwise use such deposit without further order of the Court, unless the Debtors and the counterparty or counterparties to such Contract(s) and/or Lease(s) otherwise agree.

PLEASE TAKE FURTHER NOTICE that, absent timely objection, any personal property of the Debtors that is listed and described in **Schedule A** shall be deemed abandoned as of the Rejection Date set forth on **Schedule A**.

³ An objection to the rejection of any particular Contract listed in **Schedule A** to this Rejection Notice shall not constitute an objection to the rejection of any other Contract listed in **Schedule A**. Any objection to the rejection of any particular Contract and/or Lease must state with specificity the Contract and/or Lease to which it is directed. For each particular Contract and/or Lease whose rejection is not timely or properly objected to, such rejection will be effective in accordance with this Rejection Notice and the Order.

PLEASE TAKE FURTHER NOTICE that, to the extent you wish to assert any claim(s) arising out of the rejection of your Contract(s) and / or Lease(s) listed on **Schedule A**, you must do so before the later of (i) 30 days after the Rejection Date and (ii) any applicable claims bar date for filing proofs of claim established in these Chapter 11 Cases. **FAILURE TO TIMELY FILE ANY PROOF OF CLAIM SHALL RESULT IN SUCH CLAIM BEING FOREVER BARRED.**

Dated: September 19, 2019
New York, New York

TRIDENT HOLDING COMPANY, LLC, *et al.*
Debtors and Debtors-in-Possession
By their Co-Counsel
TOGUT, SEGAL & SEGAL LLP
By:

/s/Kyle J. Ortiz
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SCHEDULE A
CONTRACTS AND/OR LEASES TO BE REJECTED¹

	Counterparty	Counterparty Address	Debtor	Description of Contract	Abandoned Personal Property	Rejection Date
1	NNN Properties LLC	P.O. Box 1307 Granger, IN 46530	Symphony Diagnostic Services No. 1, LLC	Real Property Lease, (303 South Main Street, Mishawaka, IN 46544)	N/A	9/19/19

¹ This Rejection Notice supersedes the *Notice of Filing of Plan Supplement with Respect to the Second Amended Joint Plan of Reorganization of Trident Holding Company, LLC and its Debtor Affiliates* [Docket No. 522] insofar as it relates to NNN Properties LLC.